

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2910 of 2020**

- Ramesh Kumar Kashyap, S/o Sonsai Kashyap, Aged About 40 Years
R/o - Village - Thakur Dev Para, Mainpur, Police Station - Mainpur,
District - Gariyaband Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station -
Mainpur, District - Gariyaband Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent/State : Mr. D.K. Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 28/2020 registered at Police Station - Mainpur, District- Gariyaband (C.G.) for the offence punishable under Section 379 of IPC and Section 4(21) of the Mines & Minerals (Development and Regulation) Act, 1957.
- According to the prosecution story, on the date of incident i.e. on 22.04.2020, some information being received to the Police Station that some unknown person was kept the diamond stone in his possession for selling. On that information, the police party was going to search in the aforesaid area which is situated at near about Mainpur. During the course of searching, some unknown person was standing for keeping the diamond stone on his bag, therefore, the Police Officers created doubt due to which the police officers raided and search the unknown person and during the search, the 24 pieces of diamond stone has been seized from that unknown person which has been found in prohibited area, thereafter, the alleged stone was seized from the applicant and further police officer has registered an offence punishable under

Section 379 of Indian Penal Code and Section 4(21) Mines and Minerals (Development and Regulation) Act, 1957.

- Learned counsel for the applicant submits that the applicant is innocent and has not committed any offence as reported by the police. He next contended that the applicant is in jail since 23.04.2020, therefore he may be granted bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-

(Rajani Dubey)
Judge